

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41771
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JIMMY DE LUNA-VIGIL,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-02-CR-704-ALL

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Jimmy De Luna-Vigil appeals his sentence following his guilty-plea conviction for transporting an illegal alien, in violation of 8 U.S.C. § 1324. De Luna-Vigil challenges a condition of supervised release set forth in the written judgment that prohibits him from possessing "any other dangerous weapon." He argues that this provision must be deleted from the written judgment because the district court did not mention the condition when it orally pronounced sentence. His argument is foreclosed

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 02-41771

-2-

by this court's decision in United States v. Torres-Aguilar, 352 F.3d 934, 937-38 (5th Cir. 2003). The judgment of the district court is AFFIRMED.